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Magistrate Case No. **08 MJ 0783**

COMPLAINT FOR VIOLATION OF DEPT Y

**Title 8, U.S.C., Section 1326;  
Deported Alien Found in the  
United States**

**Title 8, U.S.C., Section 1326;  
Deported Alien Found in the  
United States**

The undersigned complainant, being duly sworn, states:

On or about, **February 29, 2008**, within the Southern District of California, defendant, **Mark LAURICO-Yeno (AKA: Juan Jose ESPINOZA)**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT  
Deportation Officer  
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF March 2008.

UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****NAME: LAURICO-Yeno, Mark (AKA: ESPINOZA, Juan Jose)****PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Saturday, February 09, 2008, the defendant identified as Mark LAURICO-Yeno (AKA: Juan Jose ESPINOZA) was arrested by the San Diego Police Department for violation of Penal Code 273.5 "INFLICT CORPORAL INJURY ON SPOUSE/COHAB" and booked into county jail. Subsequently, an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Hold" pending his release. On Tuesday, March 11, 2008, at approximately 8:45 a.m. the defendant was referred to the custody of Immigration and Customs Enforcement. A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant and confirmed him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about April 14, 2005 and removed to Mexico via the San Ysidro Port of Entry. Record checks further revealed that the defendant was Expeditiously Removed from the United States on two occasions, the most recent being on or about June 13, 2006 and removed to Mexico via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Mark LAURICO-Yeno (AKA: Juan Jose ESPINOZA), a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Mark LAURICO-Yeno (AKA: Juan Jose ESPINOZA) has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.